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9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 SANTA CLARA VALLEY HOUSING
13 GROUP, INC. and KRISTEN M. BOWES,

14 Plaintiffs,

15 v.

16 UNITED STATES OF AMERICA

17 Defendant.

CASE NO. 08-cv-05097-JF

**JOINT STIPULATION TO
CONTINUE HEARING DATE FOR
DISPOSITIVE MOTIONS, AND
[PROPOSED] ORDER**

20 Plaintiffs SANTA CLARA VALLEY HOUSING GROUP, INC. (“SCVHG”), and
21 KRISTEN M. BOWES (“Bowes”) (collectively referred to as “Plaintiffs”), and defendant
22 UNITED STATES OF AMERICA (“United States”), by and through their attorneys, hereby
23 stipulate as follows:

24 1. On February 14, 2011, the parties filed Cross-Motions for Summary (or Partial
25 Summary) Judgment. Both Plaintiffs filed separate Motions for Summary Judgment: SCVHG
26 (Doc. # 70) and Bowes (Doc # 71). The United States filed a Motion for Summary Adjudication
27 of Issues (Doc # 67).

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1 2. Prior to the hearing on the Cross-Motions, on February 23, 2011, this action was
 2 reassigned to the Honorable Judge Jeremy Fogel for all further proceedings. *See* Reassignment
 3 Order (Doc. # 74).

4 3. On April 4, 2011, the parties filed a stipulation and proposed order to re-notice the
 5 cross-motions, establish a briefing schedule regarding the motions to include a hearing date of
 6 June 10, 2011, and to request that the matter be re-referred to Magistrate Judge Lloyd for
 7 purposes of holding a settlement conference (Doc. #76). On April 13, 2011, the Court granted
 8 the parties' request.

9 4. On April 15, 2011, a Case Management Conference was held before the Court
 10 during which the Court requested that if the parties were unable to schedule the settlement
 11 conference prior to the June 10, 2011 hearing date on the cross-motions, that the parties inform
 12 the Court.

13 5. Due to the parties' and Magistrate Judge Lloyd's availability, the settlement
 14 conference could not be set prior to the current June 10, 2011 hearing date on the cross-motions.
 15 The settlement conference with Magistrate Judge Lloyd has been set for June 15, 2011.

16 6. Because this action arises out of a complicated tax transaction, the parties suggest
 17 that it would be appropriate for the Court to set aside one (1) hour for oral argument. Thus, the
 18 parties propose that the hearing on the cross-motions set for June 10, 2011 at 9:00 a.m. be
 19 continued to a special hearing on July 21, 2011 at 1:30 p.m.

20 7. On April 22, 2011, the parties filed their respective Oppositions to the pending
 21 dispositive motions (United States' Oppositions, Docs. #79 and #80; Plaintiff SCVHG's
 22 Opposition, Doc. #84). The parties will file any Reply Briefs by the existing deadline of May 13,
 23 2011 to provide the Court with time to review the Motions in the event this matter does not settle
 24 prior to the hearing.

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1 THEREFORE, the parties hereby stipulate that the June 10, 2011 hearing date on the
2 cross-motions be continued as follows:

Cross-Motions to be heard on Thursday, July 21, 2011 at 1:30 p.m. in Courtroom No. 3

5 | DATED: April 28, 2011

HOCHMAN, SALKIN, RETTIG, TOSCHER & PEREZ,
P.C.

By: /s/ Sharyn M. Fisk
SHARYN M. FISK

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INC. and KRISTEN M. BOWES*

14 | DATED: April 28, 2011

UNITED STATES DEPARTMENT OF JUSTICE

By: /s/ Henry C. Darmstadter
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24 PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS SO
ORDERED.

26 Dated this 5th day of May , 2011

HON. JEREMY FOGLER
UNITED STATES DISTRICT JUDGE